

IN THE HIGH COURT OF BOMBAY AT GOA

CRIMINAL MISC. APPLICATION NO. 101 OF 2007

IN

CRIMINAL MISC. APPLICATION (BAIL) NO. 55 OF 2007

MR. DESMOND THOMAS HOPE PRESENTLY
IN JUDICIAL LOCK UP

... Applicant

Versus

STATE OF GOA REPRESENTED BY THE
POLICE INSPECTOR

... Respondent

Mr. Arun Bras De Sa, Advocate and Mr. S. Y. Naik, Advocate for the
Applicant.

Ms. Winnie Coutinho, Public Prosecutor for the State.

Coram:- N. A. BRITTO, J.

Date:- 3rd May, 2007

P.C.

Heard Shri Arun Bras De Sa, the learned Counsel on behalf of the applicant and Ms. Coutinho, the Public Prosecutor, on behalf of the respondent.

2. The applicant who is an accused in Crime No. 8/07 under Section 377 I.P.C., and who was granted conditional bail by this Court, by Order dated 15.03.2007, now seeks permission to leave the country in order to enable him to report back for his work in U.K.

3. One of the conditions imposed against the applicant by Order dated 15.03.2007, was that the applicant was directed to deposit his Passport before the Investigation Officer and the latter was required to inform the Embassy of the accused, that the Passport was retained by him, further requesting the said Embassy that the applicant should not be issued a duplicate passport.

4. The chargesheet against the applicant is yet to be filed. As per the applicant, he was on a visit visa and at present he works for First Data International in the Nationwide Credit Department, U.K., and that he wants to go back for work. He has produced a copy of the letter dated 07.06.2005 of the First Data International. In his application, the applicant has stated that he shall make himself available as and when needed either by this Court or by the learned J.M.F.C., Margao, in case summons is served upon him at the address of Dr. Ashley Santimano, who has already stood as surety for him. In his affidavit filed in support of the application, he has given an undertaking that he shall be coming back to India in the month of November, 2007 and shall surrender his Passport.

5. I have perused the reply filed on behalf of the respondent opposing the grant of permission. It is stated in the said reply that in case he is permitted to leave the State, he will abscond and will not attend the trial before the J.M.F.C., Margao.

6. Considering the nature of the offence in which the accused is involved and further considering that the accused wants to go back to his work to U.K. to which country he belongs and has given an undertaking that he would accept a notice served on his present surety and will otherwise return back to this country in November, 2007, in my view, permission to leave the country could be granted to the applicant/accused with a further condition that applicant/accused will execute another bond of Rs.50,000/- with one surety in the likeamount to the satisfaction of the learned J.M.F.C., Margao. The Investigation Officer will hand over the Passport to the accused to enable him to leave the country for which, permission is hereby granted with a condition that the applicant/accused shall attend the Court of J.M.F.C., Margao, in November, 2007, in case the surety is informed that the accused is required to attend.

7. With the above observations, the application is disposed of.

Authenticated copy be issued to the applicant on payment of necessary costs.

N. A. BRITTO, J.

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